

REF 2029 Open Access Consultation Response by the British Academy

June 2024

Section A: open access developments in the sector

4. What are the most important changes in the open access landscape since the development of the REF 2021 open access policy? 1) How do these differ across disciplinary areas? 2) What are the implications of these changes for the REF 2029 open access policy?

OA landscape changes:

The British Academy is committed to the responsible and sustainable use of Open Access (OA) - we publish an OA journal, and OA monographs by early career researchers (ECRs). OA delivery must be sustainable, support research excellence, and must not jeopardise the research and dissemination ecosystem for the SHAPE (Social Sciences, Humanities and the Arts for People and the Economy) disciplines, nor disadvantage those who may not have access to OA resources (e.g. ECRs). We are concerned that these proposals will damage that ecosystem, promote exclusivity, and undermine research excellence. The higher education (HE) funding bodies should not proceed until further research/modelling has been done on the potential implications.

More SHAPE articles are now available OA - largely made possible by Jisc transitional agreements - but the REF policy should not assume that OA for SHAPE is consistent with excellence or the ecosystem's sustainability. A 2023 British Academy survey of SHAPE learned societies revealed pressures from Read & Publish deals to publish more articles in their journals, threatening academic integrity/quality. There is also uncertainty about what financial arrangements for OA will follow the transitional agreements (which for learned societies throws doubt on their future ability to conduct charitable research, engagement and educational activities, currently funded by journal income).

Longform outputs are a key medium for SHAPE disciplines (in REF 2021, 45.7% of Main Panel D submissions, 13% for Main Panel C), but the funding and infrastructure for OA publishing is underdeveloped. While the UKRI books policy provides additional funding for OA publication of the version of record (VoR), the REF policy, which would apply to many more outputs, does not. In the current climate it would be disingenuous of the HE funding bodies to expect existing quality-related (QR) funding to be used by

HE institutions (HEIs) for that purpose. If the default OA compliance policy is to be based on the author's accepted manuscript (AAM) version, neither the utility of the AAM (for researchers or for the public) nor the true costs of administering this for the HEI sector have been demonstrated. And there has been no impact assessment of how an OA AAM policy might affect the behaviour of libraries or publishers.

It remains unclear whether the proposed changes would support research excellence or undermine it. This alone should give the HE funding councils pause. We strongly argue that any proposed changes should not be implemented until a full impact assessment has been conducted and proper support measures are in place.

We support discussions - across funders, libraries, HEIs, and publishers - to identify collaborative and more effectively resourced models for supporting OA. These will take time, and will not deliver resource models for this REF cycle. The British Academy is willing to play any role it can in facilitating such an important dialogue.

Section B: journal articles and conference proceedings

Section B: publication, deposit

5. Should deposit requirements post acceptance be maintained where publication isn't immediately open access?

Yes / **No** / Not sure / No comment

If yes, why? What would be an appropriate time limit for deposit post acceptance?

Section B: access, licensing

6. Do you agree with alignment to the UKRI open access policy in respect of licensing for journal publications by requiring licensing terms equivalent to CC-BY or CC-BY-ND licensing for journal publications?

Yes / **No** / Not sure / No comment

What, if any, negative or positive impacts might there be from this change?

We welcome the proposal that NoDerivatives (-ND) will remain an allowable element in the Creative Commons licence for a journal article. The British Academy has consistently argued that only a CC BY-ND licence protects text from distortion by subsequent users, and that this is an important requirement for the integrity of academic argument in a number of SHAPE disciplines.

However, while we understand the motivation to promote barrier-free access to journal article content, we have considerable concerns about the proposed removal of a NonCommercial (-NC) option from the licence. This would allow unrestricted reproduction of content by predatory publishers in inappropriate contexts without author consent, and that in turn could risk undermining the future financial footing of the original journals (see also Q8). Further, it would also allow unregulated exploitation of content to train AI large language models; and in a most unhealthy loop, this has already led to a proliferation of AI-generated articles, which are of poor

quality, yet nevertheless can overload journal editorial resources. We therefore believe that -NC should be retained as an allowable element in licences for journal articles, as was the case for REF 2021, and as is now proposed for longform outputs.

Section B: pre-prints, alternative platforms

7. Do you agree with recognition of alternative platforms as meeting open access requirements as primary platform for publication?

Yes / No / **Not sure** / No comment

Please provide any further comment

In some SHAPE disciplines, pre-prints (or 'working papers') have some currency (e.g. in economics) for developing ideas; in other SHAPE disciplines, where the text as peer-reviewed and finally approved for publication is all-important, pre-prints are quite alien.

Using 'alternative publication platforms' as additional paths for meeting OA requirements might seem unobjectionable. But if a pre-print posted to an alternative platform has to be equivalent in content to a VoR or AAM, that undermines the value of keeping pre-prints as an eligible output. And alternative platforms should only be a complement to (not a substitute for) traditional publishing modes. In a world where many shadow or echo versions of an article may proliferate, the journal VoR is crucial for protecting the integrity and excellence of the scholarly record.

Section B: embargo periods

8. Do you agree with the proposed changes to embargo periods for journal publications for main panels A and B (12 months reduced to six months) and main panels C and D (24 months reduced to 12 months), in light of changing standards and practice?

Yes / **No** / Not sure / No comment

What, if any, negative or positive impacts might there be from this change?

We welcome the continued recognition of disciplinary differences, which allows for a longer embargo period for SHAPE disciplines than for STEM ones. And we welcome the fact that the proposed REF policy here is not the same as the UKRI policy (which does not permit any embargo periods at all for journal articles). We recognise that, with OA journal publication currently supported by Jisc transitional agreements, a reduction of the embargo period from 24 months to 12 months might seem unproblematic for many journal outputs in SHAPE disciplines. But we do not believe that there should be such a reduction when there is still uncertainty about what arrangements for the long-term sustainable support of OA journal publishing might follow the transitional agreements. Without such reassurance about funding models, and in the absence of a full impact assessment on the sector, the policy should not gamble with the future of the SHAPE journal publishing ecosystem by setting an embargo period of only 12 months for this REF cycle.

Section B: tolerance limits, implementation date

9. Do you agree that changes to the open access policy for journal-based publications should be implemented from 1 January 2025?

Yes / No / Not sure / No comment

Please provide any further comment

We are not against the implementation date of the policy for journal publications being based on the publication date, because this may bring clarity. But we have argued in Q6 and Q8 against significant changes to the journals policy in this REF cycle, particularly while there is still uncertainty about what arrangements there will be for the future long-term sustainable support of OA journal publishing. We therefore believe it would be inappropriate to implement policy changes until this has been resolved, particularly for the benefit of SHAPE learned society journal publishers facing uncertain financial futures.

Further, if the final policy is not to be announced until late summer or autumn 2024, then to impose it on journal outputs published from 1 January 2025 would in any case be far too soon.

This would represent a shorter lead time than was the case when the UKRI OA policy for journal articles was introduced. It would also inevitably mean that the policy would apply to outputs that would have already entered the publishing process before the policy was announced; many journals in SHAPE disciplines would not have the resources to be able to accelerate their publishing schedules should they need to publish articles accepted under the previous guidelines before the introduction of the new ones. If only to avoid this confusion, there should be more advance notice of when the policy will change.

10. Do you consider that tolerance limit for articles and conference proceedings should be retained at 5% of any submission?

Yes / No / Not sure / No comment

please provide any further comment

We welcome the fact that outputs for which an exception is claimed will not be counted within the non-compliant tolerance limit. But when units of SHAPE disciplines within HEIs are suffering reductions in size and cuts to research budgets, it is important that institutions and individuals are not inadvertently penalised by the statistical impact of tolerance levels that are too low, and therefore threatened further. In REF 2021 there were many small Units of Assessment (UoAs) across different HEIs submitting to Panel D, and there will be more now: for these, a 5% tolerance band would be meaningless because of their small number of submitted outputs. So a tolerance level of 10% would be more appropriate. We would also welcome reassurance and clarity of wording that HEIs will only be judged by whether they are inside/outside of the tolerance limit (i.e. a binary compliance).

The REF OA policy should be in harmony with the People, Culture and Environment (PCE) element of the REF: the elements are deeply intertwined. The PCE element should not introduce perverse incentives by encouraging UoAs to cite over-burnished

OA compliance percentages. Rather, the PCE element should be used positively to promote OA (and open research more generally), in ways that support good research cultures, and address EDI issues (e.g. the needs of ECRs). In particular the PCE element should reward HEIs that empower their libraries to engage more proactively with collaborative models to support OA.

Section B: exceptions

11. Do you agree with the proposed exceptions for journal publications?

Yes / No / Not sure / No comment

Should any of the above be removed?

We welcome the six exceptions that are proposed for journal publications.

We welcome the inclusion of exception 1, concerning articles with third-party content 'for which licences could not be obtained': an article can require significant use of one or more pieces of third-party content (whether text or images), and the redaction of that content would render the argument meaningless. We further think it should be made clear that justifiable reasons for not being able to secure a licence should include not just where a rights holder has declined to grant an OA licence, but also where the licence fee is prohibitively expensive.

We also welcome the inclusion of exception 6, concerning instances where 'the most appropriate publication' for an article does not meet the required embargo period. Many SHAPE articles are most appropriately published, often in languages other than English, in non-UK journals, which may not recognise UK-specified OA obligations.

It is crucial that the process for claiming exceptions for both journal and longform publications should be a light touch one, with authors simply being able to submit a notification, and with no authorisation being required from REF or HEI administrators. Indeed, it should be made clear to HEI administrators that, in preparing their REF submissions, they should not exercise any prejudice against an output for which an exception has been properly claimed.

What, if any, additional exceptions might be required?

A distinction is needed between a 'conference contribution published in conference proceedings' (REF 2021 output type E), which is governed by the journal articles policy, and a conference contribution published in an 'edited book' (REF 2021 output type C) or as a 'book chapter' (REF 2021 output type B), which are governed by the longform publications policy. Guided by the 2019 British Academy report on 'Open Access and Book Chapters', UKRI specifically acknowledges in its definitions of output types in its OA policy (Annex 1) that some outputs from conferences may be published in the form of an edited collection (i.e. a longform publication): 'An edited book collection may arise from a conference, but it is constructed as a publication in its own right rather than reproducing the proceedings of the conference'; the definition of book chapter 'includes chapters in academic books arising from conferences'; and 'If there is ambiguity as to whether a published conference paper will constitute a research article or book chapter, the Author(s) in consultation with their Research Organisation can

apply discretion as to which set of requirements to follow.' In order to achieve commonality between the UKRI and REF OA policies as to which outputs are governed by the journal articles policy and which by the longform publications policy, the detailed definitions of output types for REF 2029 must be updated to match the differentiations that are in the UKRI OA policy.

Section C: longform outputs (monographs, book chapters and edited collections)

Section C: publication, deposit and embargo

12. Do you agree that there should be no deposit requirement for longform publications, but that they should be made immediately available as open access upon publication (or no later than 24 months following publication if subject to an embargo)?

Yes / No / Not sure / No comment

Please provide further comment

We agree there should be no deposit requirement where the longform VoR is made available OA.

We believe the optimum way of achieving longform OA is through the VoR, which typically contains a much greater degree of value added through the publishing process than is the case for journal articles. But this would need proper funding, and as we note in Q4, there is no imminent prospect of additional resource to fund OA VoRs for longform outputs being submitted to the REF. Therefore the default OA compliance requirement of the proposed policy would be via the AAM (with embargo). But a longform AAM is a much less desirable version for users, who are likely to have to consult the VoR anyway. We do not believe that imposing this second-best OA route for longform outputs will have the transformative impact on the 'visibility' of SHAPE disciplines that is sometimes claimed for OA, and we do not believe it would match the reach that many traditionally published SHAPE longform outputs - both trade and 'crossover' books - already have across and beyond academic readerships.

In addition to the concerns we have about embargo periods (Q13), we believe that longform OA via AAM deposit would bring its own costs for the HEI sector (repositories, administration), and it is not clear that these have been properly quantified: a full impact assessment is needed.

We therefore argue that during the current REF cycle the focus should be on exploring sustainable routes to OA for longform outputs.

13. Do you agree with the proposal of a maximum embargo period of 24 months for longform publications?

Yes / No / Not sure / No comment

Please provide any further comment

The justification for the proposed maximum embargo period of only 24 months for a longform publication is that 'most sales' are in the first two years. The significance of sales in later years cannot simply be discounted. And the premise does not take account of any possible change in behaviour by purchasers (particularly libraries facing budgetary challenges) when it is known that an AAM of (say) a highly specialist monograph will be openly available within 24 months; will a publisher become more cautious about publishing (say) an ECR's first book? The possibility of EDI impacts like this requires a fuller assessment. We know there are a range of opinions on the impact on sales of an OA AAM being available, but firm evidence is needed to provide reassurance that sales will not be adversely affected. Without that, and without steps taken to promote more collaborative approaches by HEI libraries to supporting OA, the policy should not gamble with the future of the academic book publishing ecosystem by setting an embargo period of only 24 months. Indeed, too short an embargo period may simply be ignored by publishers - undermining the REF's ability to assess the best research. As we argued in our response to the UKRI OA consultation in 2020, 'any maximum embargo period should not be less than 36 months, and might well have to reach 60 months.' The HE funding councils must now test the impact on sales of different embargo periods for AAMs to inform policy for the following REF.

Section C: access, licensing

14. Is licensing for third party materials not being granted a reasonable ground for exemption from open access requirements?

Yes / No / Not sure / No comment

Please provide any further comment

We have consistently argued that there should be OA policy exemptions for longform outputs requiring significant reuse of third-party materials. Many books in SHAPE disciplines (particularly those dealing with literature, arts and music) make use of such materials (both text and images), and it would negatively impact the overall analysis and argument of such works (indeed would make them meaningless) if the books were disseminated without materials that could not be included because OA licensing was unobtainable or unaffordable.

As we argue in Q19, scholarly editions, scholarly illustrated catalogues and exhibition catalogues should be out of scope of the REF policy (just as they are out of scope of the UKRI policy), and that would remove the need for many exemptions to be claimed for third-party content complications.

15. Is sharing of a version of an output without third-party materials if licensing can't be obtained, mirroring the UKRI open access policy for longform outputs, appropriate to meet the open access requirements for REF 2029 policy?

Yes / No / Not sure / No comment

Does this present issues for output submission and assessment?

The redaction of an image or other unavailable material and its replacement by a 'tombstone' is a highly undesirable approach. In many SHAPE disciplines, particularly in art history and in the study of 20th-century music and literature, the analysis and argument in any book or chapter would be meaningless without the images or texts

reproduced alongside. This would fundamentally undermine the integrity of the publication and the excellence of the research that underpinned it.

Section C: tolerance level

16. Do you agree with the principle of a tolerance level for non-compliant longform outputs?

Yes / No / Not sure / No comment

Please provide any further comment

We argue in Q18 that it is premature to implement an OA policy for longform outputs in the current REF cycle. But if OA is to be extended for the first time to longform outputs submitted to the REF, it would be essential that there is a suitably generous tolerance level for non-compliant outputs. We welcome the fact that outputs for which an exception was claimed would not be counted within the non-compliant tolerance limit.

17. Do you agree with the proposed tolerance level of 10% for longform outputs?

Yes / No / Not sure / No comment

Please provide any further comment

As we argued in Q10, at a time when institutions and departments across disciplines and across the HE sector are facing numerous pressures and suffering reductions to budgets for research, it is important that any REF OA policy should not result in unintended consequences for the future sustainability of research by further penalising institutions, disciplines and individuals through the statistical impact of tolerance levels that are too small. Longform outputs are important for SHAPE researchers and their careers, at all stages, as is inclusion in institutional REF submissions. It would be unfortunate if the careers of individuals (particularly those who may have less access to OA resources, such as ECRs) were compromised, through no fault of their own and in spite of the quality of their research and outputs, if any tolerance level were too narrow to take into account the challenges of achieving OA compliance for longform publication. We therefore believe that a tolerance level of 30% would be appropriate for longform outputs. Even with such a generous tolerance level, the REF policy would still have achieved its aim of raising awareness of the possibilities for OA for longform outputs.

Section C: implementation

18. Do you agree with the proposed date for implementation of an open access policy for longform outputs in REF 2029 being for all longform publications for which contracts are agreed from 1 January 2026?

Yes / No / Not sure / No comment

Please provide any further comment.

We welcome the fact that the proposed implementation start date would be defined by the date on which longform outputs are contracted rather than the date on which they will be published. Given that it can frequently take two years to get from book contract to book publication, this would reduce the number of books submitted by the end of

the 2028 census deadline that would be governed by the REF 2029 OA policy. In practice this would then be about laying the policy foundations of the following REF cycle.

Nevertheless, the proposed lead time ahead of implementation would be about a year shorter than was the case for the UKRI OA policy; and given the REF policy would ultimately relate to a larger number of longform outputs, there would be little time for academic book publishers of varying sizes and resources to assess the potential future impacts of the proposed policies and to make longer-term strategic decisions that take account of them.

Given the current lack of any financial sustainability for OA longform publications (with HEIs unlikely to be able to afford paying for OA through their existing QR funding), the uncertainty about what publishers' policies in respect of AAMs would actually be, and the potential for a scramble to contract books prematurely ahead of the deadline, we strongly advise the implementation date should be deferred until at least the start of the following REF census period, by which time fuller research can be undertaken (see Q13).

Section C: exceptions

19. Do you agree with the proposed exceptions for longform publications?

Yes / No / Not sure / No comment

Should any of the above be removed?

We welcome the seven exceptions that are proposed for longform outputs.

We welcome the inclusion of exceptions 1 and 7, concerning instances where 'the only appropriate publisher' or 'the most appropriate publication venue' for a longform output does not offer a compliant OA option or meet the required embargo period. While we think it is fair to invite authors to consider the appropriateness of their publisher, we believe that this exception is important for guaranteeing the primacy of author choice. Many books are most appropriately published, often in languages other than English, by non-UK publishers, who may not recognise UK-specified OA obligations. There is also a well-known 'long tail' of small publishers who are the most appropriate outlet in specialist contexts. And sometimes the most appropriate publisher may simply be the one who proactively commissioned and curated a work by an author, perhaps in a specialist series.

It is welcome that trade books are exempt from the proposed REF OA policy (as they are out of scope of the UKRI OA policy), but we believe that for the REF the definition should be broadened to include 'crossover' books that fulfil a valuable role in reaching both academic and broader public readerships.

As we argued in Q11, we believe that the process for claiming exceptions should be a light touch one, with authors simply being able to submit a notification, and with no authorisation being required from REF or HEI administrators.

Are there other exceptions you think are necessary for longform outputs? Please provide evidence in support.

We note that trade books and creative works are exempt from the proposed REF OA policy for longform outputs, making it consistent with the UKRI OA policy. However, the following output types are not listed as being exempt from the REF policy although they are out of scope of the UKRI policy: scholarly editions; scholarly illustrated catalogues; exhibition catalogues; textbooks. The UKRI policy's exemption of scholarly editions and scholarly illustrated catalogues is particularly sensible because it avoids third-party rights complications. There must be consistency between the UKRI and REF policies, an aim clearly stated in the documentation for the 2020 UKRI OA consultation (para 29): 'As far as possible, they [UKRI and UK HE funding bodies] are seeking commonality between the UKRI and REF-after-REF 2021 OA policies, including a common policy position for outputs that fall within the scope of both policies. ... The UK HE funding bodies' intention is that compliance with UKRI's OA policy will result in compliance with the OA policy for the REF-after-REF 2021'; and that latter intention was repeated in the REF 2028 'Initial decisions' document. If there is no commonality between the two policies in respect of these exemptions, a scholarly edition published with no OA version could be compliant with the UKRI policy but not compliant with the REF policy - and that situation is not supposed to be possible. The final drafting of the REF policy should avoid this confusion.